

Message Text

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ACTION AID-59

INFO OCT-01 EA-11 ISO-00 PM-07 NSC-07 SP-03 SS-20 RSC-01

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R 200753Z APR 74

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 1872

INFO USUN NEW YORK 735

AMCONSUL MEDAN

AMCONSUL SURABAYA

CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 JAKARTA 4780

CINCPAC ALSO FOR POLAD

EO 11652: GDS

TAGS: PINT,ID

SUBJECT: FAA SECTION 32 AND POLITICAL PRISONERS IN INDONESIA

REFS: A) STATE 068545 B) JAKARTA 10911 9/13/73 C) HONG KONG 3968

D) JAKARTA 12266 10/16/73 E) JAKARTA 6665 6/6/73 F) JAKARTA

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1. SUMMARY AND INTRODUCTION: THERE ARE CURRENTLY TWO GROUPS OF PERSONS BEING DETAINED IN INDONESIA WHO COUULD BE DESCRIBED AS "POLITICAL PRISONERS." FIRST GROUP CONSISTS OF APPROXIMATELY 36,000 PERSONS (OUR BEST ESTIMATE) DETAINED FOR ALLEGED INVOLVEMENT IN SEPT 30, 1965 COUP ATTEMPT BY INDONESIAN COMMUNIST PARTY (PKI). SECOND GROUP ARE APPROXIMATELY 40 PERSONS DETAINED FOR ALLEGED INVOLVEMENT IN EVENTS SURROUNDING JANAUARY 15-17, 1974 RIOTS IN JAKARTA. ARRESTS AND DETENTIONS BOTH GROUPS WERE PURSUANT TO EMERGENCY POWERS LAW ENACTED BY PROVISIONAL PEOPLE'S CONGRESS IN 1966.

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EXTENDED DETENTION OF PRISONERS WITHOUT TRIAL

UNDER THIS LAW WOULD APPEAR CLEARLY TO BE INCONSISTENT WITH RECOGNIZED INTERNATIONALLY ACCEPTED STANDARDS DUE PROCESS AND CIVIL LIBERTIES. SINCE INTERNMENT RESULTS FROM TWO VERY SPECIFIC EVENTS IT DOES NOT APPEAR REPRESENT "CONSISTENT PATTERN." GOI REGARDS THIS EXERCISE OF EMERGENCY POWERS AS NECESSARY TO PRESERVE ORDER AND SECURITY WHILE THE COUNTRY WORKS TO OVERCOME HISTORIC PROBLEMS OF DIVISION AND INSTABILITY. IN LIGHT OF GOI'S SECURITY BASIS FOR DETENTIONS AND HISTORICAL BACKGROUND TO PRISONER POLICY WE DO NOT BELIEVE GOI PRACTICES REPRESENT "POLITICAL" IMPRISONMENT OF TYPE THAT SHOULD BE AFFECTED BY FAA SECTION 32. OUR ABILITY INFLUENCE SITUATION THROUGH ANY MEASURES EXTREMELY LIMITED; SITUATION PRESENTS US WITH BASIC CONFLICT BETWEEN MAINTENANCE OF GOOD RELATIONS WITH MAJOR ASIAN POWER IN DIFFICULT PERIOD AND RISK TO THOSE RELATIONS OF EFFORT TO INTERVENE IN HIGHLY SENSITIVE INTERNAL ISSUE. WE NEVERTHELESS CAN AND DO CONTINUE ACQUAINT IMPORTANT INDONESIANS WITH STRONG EXTERNAL CONCERNS OVER PRESENT SITUATION. HISTORICAL BACKGROUND TO GOI EMERGENCY ARREST AND DETENTION POLICIES SUMMARIZED IN PARAS 2-4 AS FOLLOWS. END SUMMARY.

2. POLITICAL PRISONERS DETAINED IN INDONESIA RESULT FROM TWO SPECIFIC EVENTS IN RECENT HISTORY, EACH CONSIDERED BY LEADERSHIP AS BASIC THREAT TO SECURITY AND AUTHORITY. FOLLOWING ABORTIVE SEPTEMBER 30, 1965 COUP ATTEMPT BY PKI AND DISSIDENT MILITARY ELEMENTS AND BLOODY AFTERMATH IN WHICH AT LEAST HUNDRED THOUSAND INDONESIANS WERE KILLED, THE NEW SUHARTO MILITARY REGIME ARRESTED APPROXIMATELY 250,000 PERSONS FOR SUSPECTED COMMUNIST ACTIVITIES. IT ALSO OUTLAWED PKI. OF THOSE ORIGINALLY ARRESTED AN ESTIMATED 36,000 REMAIN UNDER DETENTION (REF B). ARRESTS AND DETENTIONS WERE MADE UNDER EMERGENCY POWERS LAW ENACTED BY 1966 PROVISIONAL PEOPLE'S

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CONGRESS (HIGHEST GOI LEGISLATIVE BODY), WHICH GIVES PRESIDENT VIRTUALLY UNLIMITED AUTHORITY TO RESTORE AND PRESERVE ORDER. PKI HAD ONCE BEFORE STAGED UNSUCCESSFUL ATTEMPT TO OVERTHROW GOVERNMENT IN 1948 MADIUN AFFAIR; IT WAS ALLOWED TO REGROUP AND BY 1965 IT HAD DEVELOPED NATIONWIDE APPARATUS AND RECRUITED HALF MILLION MEMBERS. GOI'S ANTI-COMMUNIST SECURITY MEASURES AFTER 1965 BASED

ON DEEP CONCERN THAT COMMUNISTS MIGHT EMERGE A THIRD TIME TO CREATE RENEWED UPHEAVAL IN POLITICAL SITUATION ALREADY THREATENED BY ETHNIC, RELIGIOUS, POLITICAL AND ECONOMIC PRESSURES.

3. ANOTHER FACTOR INFLUENCING GOI ATTITUDES TOWARD NEED FOR THESE SECURITY MEASURES IS FEAR OF FOREIGN COMMUNIST SUPPORT FOR INTERNAL SUBVERSION, BASED ON SOVIET AND PRC ASSISTANCE TO PKI PRIOR TO 1965. THERE IS LITTLE EVIDENCE AVAILABLE TO US OF RENEWED OVERSEAS COMMUNIST SUBVERSION IN INDONESIA, BUT GOI STILL PERCEIVES THREAT, AND IS, IN GENERAL, CONVINCED SUCH SUBVERSION REMAINS STANDARD WEAPON OF COMMUNISTS, WHETHER OF SOVIET OR PEKING BRAND. CONTINUING GOI SUSPICION OF OVERSEAS SUBVERSION WAS RECENTLY ABETTED BY PRC STATEMENT OF SUPPORT FOR A LEADER OF NORTH KALIMANTAN COMMUNIST PARTY WHICH IS STILL CONDUCTING SPORADIC TERRORISM IN KALIMANTAN-SARAWAK BORDER AREA (REF C).

4. SECOND, MUCH SMALLER CATEGORY OF DETAINEDK ARRESTED UNDER EMERGENCY POWERS LAW ARE APPROXIMATELY 40 PERSONS STILL BEING HELD FOR ALEGED INVOLVEMENT IN SUBVERSIVE, ANTI-GOVERNMENT ACTIVITIES ASSOCIATED WITH SERIOUS RIOTS WHICH ERUPTED IN JAKARTA JANUARY 15-17, 1974, AT TIME OF PRIME MINISTER TANAKA'S VISIT. GOI AUTHORITIESALLEGED DETAINÉES WERE INVOLVED IN ILLEGAL ATTEMPT TO OVERTHROW GOVERNMENT AND HAVE ANNOUNCED INTENTION TO DEAL WITH THESE CASES IN ACCORDANCE WITH EXISTING CRIMINAL LAWS FOLLOWING COMPLETION OF INVESTIGATIONS. PRESS ANNOUNCED APRIL 20 THESE CASES BEING TURNED OVER TO ATTORNEY GENERAL.

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5. WE BELIEVE QUESTIONS RAISED IN REF A AS TO "ARBITRARINESS" AND "POLITICAL PURPOSE" MUST BE EVALUATED IN LIGHT OF HISTORICAL CIRCUMSTANCES DESCRIBED ABOVE. WE DO NOT CONSIDER THAT THEY REPRESENT "CONSISTENT PATTERN." ARREST OF INDIVIDUALS BELIEVED TO BE INVOLVED IN EFFORTS TO OVERTHROW VIOLENTLY THE GOVERNMENT IS CONSIDERED BY AUTHORTIES TO BE JUSTIFIED ON GROUND THAT AN ESTABLISHED AND RECOGNIZED GOVERNMENT HAS A LEGITIMATE RIGHT TO PROTECT ITSELF AGAINST PERSONS BENT UPON ITS VIOLENT OVERTHROW. FAA SECTION 32 CONGRESS PRESUMABLY DOE NOT INTEND TO INCLUDE SUCH INDIVIDUALS WITHIN MEANING OF "POLITICAL PRISONERS". QUESTION THEREFORE SEEMS TO BE ONE OF ARBITRARINESSS

AND WHETHER PROBABLE CAUSE EXISTED FOR BELIEVING THAT INDIVIDUALS ARRESTED WERE IN FACT BENT ON VIOLENT OVERTHROW OF ESTABLISHED GOVERNMENT.

6. INDEFINITE DETENTION WITHOUT PROSPECT OF TRIAL OF APPROXIMATELY 27,000 "CLASS B" PRISONERS STILL BEING HELD AFTER 1965 AFFAIR FOR ALEGED COMMUNIST INVOLVEMENT MUST BE CONSIDERED ARBITRARY UNDER CONVENTIONAL INTERNATIONAL HUMAN RIGHTS STANDARDS. (OF THE BALANCE, 2500 PRISONERS ARE CLASS A AND 7,000 REMAIN UNCLASSIFIED. CLASS B PRISONERS ARE THOSE BELIEVED TO BE ASSOCIATED WITH PKI SUBVERSION BUT ON WHOM THERE IS INSUFFICIENT EVIDENCE TO BRING CRIMINAL CHARGES. SEE REF B.)

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ACTION AID-59

INFO OCT-01 EA-11 ISO-00 PM-07 NSC-07 SP-03 SS-20 RSC-01

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OMB-01 TRSE-00 COME-00 (ISO)W
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R 200753Z APR 74
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC 1873
INFO USUN NEW YORK 736
AMCONSUL MEDAN
AMCONSUL SURABAYA
CINCPAC

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GOI ANNOUNCEMENT IN LATE 1973 THAT CLASS B PRISONERS ARE SUBJECT TO REHABILITATION AND RETURN TO SOCIETY MAY OFFER SOME IMPROVEMENT (REF D), BUT IT IS UNLIKELY THIS WILL OCCUR RAPIDLY, GIVEN GOI'S CONTINUING DEEP CONCERN FOR INTERNAL SECURITY AND UNWILLINGNESS TO TAKE RISKS THEY PERCEIVE IN RAPID RELEASE OF

THESE PRISONERS.

7. ON THE SEPARATE QUESTION OF PROBABLE CAUSE FOR ARREST AND DETENTION, THE CATAclySMIC EVENTS OF 1965-66, THE COMMUNIST ASSOCIATIONS AND ACTIVITIES OF THE DETAINEES WHOSE IDENTITIES ARE KNOWN ARGUE STRONGLY THAT PROBABLE CAUSE FOR ARREST DID, IN FACT, EXIST.

8. CLASS A PRISONERS (THOSE ARRESTED IN CONNECTION WITH 1965 AFFAIR ON WHOM THERE IS SUFFICIENT EVIDENCE TO BASE CHARGES) WHO ARE BROUGHT TO TRIAL UNDER EXISTING CRIMINAL STATUTES APPEAR TO BE ACCORDED CONFIDENTIAL

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COUNSEL AND REASONABLE OPPORTUNITY TO DEFEND THEMSELVES, ALTHOUGH DELAY IN BRINGING THEIR CASES TO TRIAL IS CERTAINLY OBJECTIONABLE BY ACCEPTED INTERNATIONAL STANDARDS. IT IS WORTH NOTING THAT THERE IS A SEVERE BACKLOG OF APPROXIMATELY 18,000 CONVENTIONAL CRIMINAL CASES IN INDONESIAN COURTS IN WHICH ACCUSED PERSONS SUFFER PROLONGED DETENTION BEFORE TRIAL DUE TO SHORTAGE OF COURTS AND TRAINED JUDGES. GOI SPOKESMAN ANNOUNCED IN LATE 1973 THAT TRIALS OF CLASS A PRISONERS WILL BE ACCELERATED IN FUTURE (REF E). WE CANNOT YET PREDICT WHAT AFFECT JAN 15 EVENTS LIKELY HAVE ON THIS PROCESS.

9. WITH RESPECT TO THE APPROXIMATELY 40 DETAINEES ARRESTED AND STILL BEING HELD IN CONNECTION WITH THE JANUARY 15-17, 1974 VIOLENCE IN JAKARTA, WE HAVE INSUFFICIENT INFORMATION AT THIS STAGE TO EVALUATE EITHER ARBITRARINESS OR PROBABLE CAUSE. GOI SPOKESMEN CONTINUE TO ASSERT THAT EVIDENCE EXISTS LINKING THE JANUARY DETAINEES TO AN ORGANIZED EFFORT TO DISRUPT OR OVERTHROW THE ESTABLISHED GOVERNMENT. DETAINEES NOT FITTING THAT DESCRIPTION HAVE ALREADY EITHER BEEN RELEASED OR CHARGED AND/OR TRIED ON SIMPLE CRIMINAL CHARGES SUCH AS LOOTING OR THEFT.

10. WITH REGARD TO TREATMENT OF 1965-66 PRISONERS, WE LACK EVIDENCE FOR A RELIABLE JUDGMENT. THERE WERE PRESS REPORTS FROM INDEPENDENT INDONESIAN JOURNALISTS WHO VISITED BURU ISLAND DETAINEE CENTER IN 1973 WHERE APPROXIMATELY 10,000 CLASS B ALLEGED PKI DETAINEES ARE BEING HELD THAT PRISONERS WERE TREATED HUMANELY. WE ALSO UNDERSTAND THAT JANUARY 1974 DETAINEES ARE BEING TREATED WELL,

PERMITTED VISITORS, READING MATERIAL AND FOOD FROM FAMILIES AND INTERROGATED REASONABLY.

1. ON SEVERAL OCCASIONS IN PAST, EMBASSY HAS INFORMALLY INDICATED TO HIGH GOI OFFICIALS OUR INTEREST IN PROBLEM OF 1965-66 DETAINEES AND POTENTIAL CONFIDENTIAL

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PROBLEM WHICH THIS ISSUE CAN CAUSE IN RELATIONS BETWEEN OUR TWO COUNTRIES. GOI HAS LET IT BE KNOWN THAT EFFORTS BY FOREIGN GOVERNMENTS TO INFLUENCE ITS PRISONER POLICY WOULD BE REGARDED AS UNWELCOME INTRUSION IN ITS INTERNAL AFFAIRS AND WOULD HAVE NO EFFECT ON ITS POLICIES. FOR EXAMPLE, NETHERLANDS GOVERNMENT, WHICH HAS REPEATEDLY RAISED PRISONER PROBLEM WITH GOI IN CONTEXT OF DUTCH ECONOMIC ASSISTANCE, HAS BEEN INFORMALLY ADVISED BY GOI, THROUGH DUTCH EMBASSY IN JAKARTA, THAT CONTINUED EFFORTS TO INFLUENCE GOI PRISONER POLICY COULD DAMAGE DUTCH-INDONESIAN RELATIONS.

12. IN SEEKING TO HAVE INFLUENCE ON PRISONER ISSUE AS STATED, WE FACE FUNDAMENTAL DILEMMA. INDONESIA IS MAJOR ASIAN COUNTRY IN WHICH WE HAVE IMPORTANT ECONOMIC INTERESTS AND WITH WHICH WE ENJOY IMPORTANT COOPERATION IN INTERNATIONAL PEACE-KEEPING. ITS STRONG ANTI-COMMUNIST STANCE, OF WHICH PRISONER ISSUE IS ONE ASPECT, IS IMPORTANT TO US IN SOUTHEAST ASIA. INDONESIA IS NOT CALLOUS TO WORLD OPINION OR CIVIL LIBERTIES (NOTE PRESIDENT SUHARTO'S RECENT STATEMENT, REF F), BUT LEADERSHIP FACES WHAT IT CONSIDERS MAJOR PROBLEM IN FATE THESE PRISONERS. AMBASSADOR RECENTLY RAISED ISSUE WITH SENIOR INDONESIAN ARMY OFFICER WHOSE OWN BROTHER IS PRISONER. AMBASSADOR WAS TOLD PRESIDENT WELL AWARE OF EXTERNAL PROBLEM CAUSED BY RETENTION PRISONERS, BUT COJRD NOT RISK WHOLESale RELEASE. UNDER SUCH CIRCUMSTANCES WE DOUBT ANY ACTION BY US, OTHER THAN OCCASIONAL REMINDERS OF OUR CONCERN, LIKEY BE USEFUL OR CHANGE BASIC INDONESIAN ATTITUDE. OUR PRESSING ISSUE, PARTICULARLY THROUGH MANIPULATION OF AID AT TIME WHEN WE ARE ALREADY REDUCING ASSISTANCE, COULD ONLY RISK OTHER FUNDAMENTAL US INTERESTS IN INDONESIA.

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